



Legislation Details (With Text)

File #: Int 1059-2023 **Version:** A **Name:** Including menstrual cups in the definition of menstrual products and the provision of such products.

Type: Introduction **Status:** Enacted

In control: Committee on Women and Gender Equity

On agenda: 5/25/2023

Enactment date: 1/6/2024 **Enactment #:** 2024/012

Title: A Local Law to amend the administrative code of the city of New York, in relation to including menstrual cups in the definition of menstrual products and the provision of such products

Sponsors: Amanda Farías, Public Advocate Jumaane Williams, Julie Menin, Althea V. Stevens, Farah N. Louis, Shahana K. Hanif, Lincoln Restler, Crystal Hudson, Chi A. Ossé, Diana I. Ayala, Mercedes Narcisse, Marjorie Velázquez, Shekar Krishnan, Justin L. Brannan, Lynn C. Schulman, Gale A. Brewer, Eric Dinowitz, Carmen N. De La Rosa, Sandra Ung, Sandy Nurse, Shaun Abreu, Oswald Feliz, Julie Won, Carlina Rivera, Pierina Ana Sanchez, Nantasha M. Williams, Rita C. Joseph, Linda Lee, Jennifer Gutiérrez, Kristin Richardson Jordan, Rafael Salamanca, Jr., Kevin C. Riley, Keith Powers, Erik D. Bottcher, James F. Gennaro, Robert F. Holden, Kalman Yeger, Tiffany Cabán, David M. Carr, Joann Ariola

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| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------------------------|-----------------------------|--------|
| 5/25/2023 | * | City Council | Introduced by Council | |
| 5/25/2023 | * | City Council | Referred to Comm by Council | |
| 9/18/2023 | * | Committee on Women and Gender Equity | Hearing Held by Committee | |
| 9/18/2023 | * | Committee on Women and Gender Equity | Laid Over by Committee | |
| 12/6/2023 | * | Committee on Women and Gender Equity | Hearing Held by Committee | |
| 12/6/2023 | * | Committee on Women and Gender Equity | Amendment Proposed by Comm | |
| 12/6/2023 | * | Committee on Women and Gender Equity | Amended by Committee | |
| 12/6/2023 | A | Committee on Women and Gender Equity | Approved by Committee | Pass |
| 12/6/2023 | A | City Council | Approved by Council | Pass |
| 12/6/2023 | A | City Council | Sent to Mayor by Council | |
| 1/5/2024 | A | City Council | Returned Unsigned by Mayor | |
| 1/6/2024 | A | Administration | City Charter Rule Adopted | |

Int. No. 1059-A

By Council Member Farías, the Public Advocate (Mr. Williams) and Council Members Menin, Stevens, Louis, Hanif, Restler, Hudson, Ossé, Ayala, Narcisse, Velázquez, Krishnan, Brannan, Schulman, Brewer, Dinowitz, De La Rosa, Ung, Nurse, Abreu, Feliz, Won, Rivera, Sanchez, Williams, Joseph, Lee, Gutiérrez, Richardson Jordan, Salamanca, Riley, Powers, Bottcher, Gennaro, Holden, Yeger, Cabán, Carr and Ariola

A Local Law to amend the administrative code of the city of New York, in relation to including menstrual cups in the definition of menstrual products and the provision of such products

Be it enacted by the Council as follows:

Section 1. Section 1-112 of the administrative code of the city of New York is amended by adding a new subdivision 23 to read as follows:

23. “Menstrual products.” Menstrual cups, tampons, and menstrual pads for use in connection with the menstrual cycle.

§ 2. Section 9-141 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating to requiring the department of correction to report on the distribution of menstrual products in city correctional facilities, as proposed in introduction number 1057-A, is amended to read as follows:

§ 9-141 Menstrual products. a. Definitions. As used in this section, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of correction.

Department. The term “department” means the department of correction.

Menstrual cup. The term “menstrual cup” means a funnel-shaped or disc-shaped device made of either reusable or single-use material for use in connection with the menstrual cycle.

b. Distribution of menstrual products. 1. All incarcerated individuals in the custody of the department who are in need of menstrual products shall be provided, at the department’s expense, with menstrual products as soon as practicable upon request. All individuals arrested and detained in the custody of the department for at least 48 hours who are in need of menstrual products shall be provided, at the department’s expense, with

menstrual products as soon as practicable upon request. [For purposes of this section, “menstrual products” means tampons and sanitary napkins for use in connection with the menstrual cycle.]

2. The department shall provide a reusable menstrual cup, at the department’s expense, to any person who requests such cup upon release from the department’s custody.

[b.] c. Reporting on provision of menstrual products. 1. No later than July 31, 2025, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and post on the department’s website a report on the provision of menstrual products, as required by subdivision a of this section, during the preceding fiscal year. Such report shall include the following information:

(a) The average daily population of individuals in the custody of the department, disaggregated by gender;

(b) The number of such products ordered by the department during the preceding 12 months, disaggregated by product type;

(c) The number of such products distributed to city correctional facilities during the preceding 12 months, disaggregated by product type; and

(d) The number of such products distributed to individuals in the custody of the department during the preceding 12 months, disaggregated by product type.

§ 3. Section 12-207 of the administrative code of the city of New York, as added by local law number 83 for the year 2016, is amended to read as follows:

§ 12-207 Availability of [feminine hygiene] menstrual products. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Menstrual cup. The term “menstrual cup” means a funnel-shaped device made of a reusable material such as silicone or rubber for use in connection with the menstrual cycle.

[Feminine hygiene] Menstrual products. The term “[feminine hygiene] menstrual products” means menstrual cups, tampons, and [sanitary napkins] menstrual pads for use in connection with the menstrual cycle.

Temporary shelters. The term “temporary shelters” means department of homeless services family with children shelters, adult family shelters, single adult women shelters and single adult men shelters; and human resources administration domestic violence shelters and HIV/AIDS services administration (HASA) shelters.

b. The department of citywide administrative services shall make available to agencies operating or having oversight of providers operating temporary shelters a supply of [feminine hygiene] menstrual products sufficient to meet the needs of residents. The department shall also make available a supply of [feminine hygiene] menstrual products sufficient to meet the needs of youth in secure detention facilities operated by the administration for children’s services, as well as youth in congregate care facilities operated by the administration for children’s services who are awaiting placement with a licensed foster care agency.

§ 4. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating to requiring the department of correction to report on the distribution of menstrual products in city correctional facilities, as proposed in introduction number 1057-A, takes effect.

BM/SM

LS # 3087, 3089, 4222, 12332, 12922

11/28/2023 4:20 PM